

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.10 and 312.3C and section 307A.2 as amended by 2015 Iowa Acts, House File 635, section 20, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 102, “Secondary Road Fund Distribution Committee,” Iowa Administrative Code.

The proposed amendments to Chapter 102 make the following changes:

- Remove language regarding the transition phase, as that has been completed. The existing rules include a transition phase to implement formulas for distributing county road funding.
- Amend language to directly include the formulas. The existing rules include distribution formulas by reference.
- Clarify that the executive director of the Iowa County Engineers Association Service Bureau serves as a nonvoting member of the Committee.
- Clarify how meeting notices are distributed to county supervisors.
- Update Iowa Code citations and the chapter’s implementation sentence.

The Secondary Road Fund Distribution Committee approved these proposed amendments during its meeting on March 13, 2015.

These rules do not provide for waivers. Any person who believes that the circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; Internet e-mail address: tracy.george@dot.iowa.gov.
5. Be received by the Office of Policy and Legislative Services no later than September 22, 2015.

A meeting to hear requested oral presentations is scheduled for Thursday, September 24, 2015, at 1 p.m. at the Administration Building, First Floor, South Conference Room, Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 312.3C.

The following amendments are proposed.

ITEM 1. Amend rule 761—102.1(312) as follows:

761—102.1(312) Purpose. The purpose of these rules is to adopt the ~~initial~~ formulas to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund and to formalize the process by which the secondary road fund distribution committee will administer its duties.

102.1(1) Iowa Code ~~Supplement~~ section 312.3C creates a secondary road fund distribution committee and requires the committee to be comprised of representatives appointed by the president

of the Iowa County Engineers Association, the president of the Iowa State Association of County Supervisors, and the department of transportation.

102.1(2) Iowa Code Supplement section 312.3C requires the secondary road fund distribution committee to:

a. Determine the methodology to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund. ~~The methodology shall be phased in over a five-year period, beginning July 1, 2006.~~

b. No change.

102.1(3) Iowa Code Supplement section 312.3B requires the Iowa County Engineers Association Service Bureau to annually compute secondary road fund and farm-to-market road fund distributions using the methodology determined by the secondary road fund distribution committee.

ITEM 2. Rescind rule 761—102.2(312) and adopt the following new rule in lieu thereof:

761—102.2(312) Formulas.

102.2(1) Definitions. As used in this chapter:

“*Bridges*” means those structures under the jurisdiction of a county secondary roads department which are included in the National Bridge Inventory System.

“*Daily vehicle miles of travel*” means the product of a road segment’s length, in miles, multiplied by the daily traffic count thereon, in vehicles per day, reported for that segment by the Iowa department of transportation, based on the most recent counts available.

“*Earth surfaced*” means roads under the jurisdiction of a county secondary roads department which are not surfaced.

“*Formula*” means the appropriate secondary road fund distribution formula or farm-to-market road fund distribution formula as defined in subrules 102.2(2) and 102.2(3).

“*Granular surfaced*” means roads under the jurisdiction of a county secondary roads department which have crushed rock, gravel, or oiled earth surfaces.

“*Paved surfaced*” means roads under the jurisdiction of a county secondary roads department with hot mix asphalt, Portland cement concrete, or stabilized base with waterproof surfacing.

“*Rural population*” means the count, taken from the most recently certified decennial federal census, of persons who reside in the unincorporated areas of a county.

102.2(2) Formula for determining secondary road fund allocation factors. The Iowa County Engineers Association Service Bureau shall annually compute percentage allocation factors for the allocation of secondary road fund revenues among the counties by calculating and summing the following percentage subtotals for each county:

a. Thirty percent times the ratio that the total area of each county bears to the total area of the state.

b. Ten percent times the ratio that the rural population of each county bears to the total rural population of the state.

c. Twelve and one-half percent times the ratio that the total daily vehicle miles of travel on each county’s secondary roads bears to the total daily vehicle miles of travel on all secondary roads in the state.

d. One-half percent times the ratio that the earth-surfaced miles of secondary roads of each county bears to the total miles of earth-surfaced secondary roads in the state.

e. Twenty percent times the ratio that the granular-surfaced miles of secondary roads of each county bears to the total miles of granular-surfaced secondary roads in the state.

f. Thirteen percent times the ratio that the paved-surfaced miles of secondary roads of each county bears to the total miles of paved-surfaced secondary roads in the state.

g. Fourteen percent times the ratio that the length, in lineal feet, of secondary road bridges of each county bears to the total length of secondary road bridges in the state.

102.2(3) Formula for determining farm-to-market road fund allocation factors. The Iowa County Engineers Association Service Bureau shall annually compute percentage allocation factors for the allocation of farm-to-market road fund revenues among the counties by calculating and summing the following percentage subtotals for each county:

- a. Thirty percent times the ratio that the total area of each county bears to the total area of the state.
- b. Fifteen percent times the ratio that the rural population of each county bears to the total rural population of the state.
- c. Ten percent times the ratio that the total daily vehicle miles of travel on each county's farm-to-market roads bears to the total daily vehicle miles of travel on all farm-to-market roads in the state.
- d. Nine percent times the ratio that the granular-surfaced miles of farm-to-market roads of each county bears to the total miles of granular-surfaced farm-to-market roads in the state.
- e. Twenty-three percent times the ratio that the paved-surfaced miles of farm-to-market roads of each county bears to the total miles of paved-surfaced farm-to-market roads in the state.
- f. Thirteen percent times the ratio that the length, in lineal feet, of farm-to-market road bridges of each county bears to the total length of farm-to-market road bridges in the state.

ITEM 3. Amend subrule 102.5(1) as follows:

102.5(1) The secondary road fund distribution committee shall be composed of six county engineers, six county supervisors, ~~and~~ two representatives of the department of transportation, and the executive director of the Iowa County Engineers Association Service Bureau.

ITEM 4. Amend subrule 102.5(5) as follows:

102.5(5) All county members shall be voting members. The department of transportation representatives and the executive director of the Iowa County Engineers Association Service Bureau shall be nonvoting members.

ITEM 5. Amend rule 761—102.6(312) as follows:

761—102.6(312) Terms of office and rotation of seats.

102.6(1) Committee members shall serve six-year terms; ~~however, shorter terms shall apply to members of the initial committee, as described in subrule 102.6(3) below.~~ Terms of office shall begin on January 1 in the year of appointment and expire on December 31 in the year of expiration. Members may be reappointed to serve consecutive terms.

102.6(2) No change.

~~**102.6(3)** The initial committee is the committee in existence on July 1, 2005. The terms of office and rotations of seats for members of the initial committee shall be as shown in the following table:~~

Year	County Engineer Members	County Supervisor Members	Initial Term Length	Initial Term Ending Date
CY 2006	Large county A	Small county A	1 year	12/31/2006
CY 2007	Medium county A	Medium county A	2 years	12/31/2007
CY 2008	Small county A	Large county A	3 years	12/31/2008
CY 2009	Large county B	Small county B	4 years	12/31/2009
CY 2010	Medium county B	Medium county B	5 years	12/31/2010
CY 2011	Small county B	Large county B	6 years	12/31/2011

~~The initial committee shall, by resolution and in accordance with this table, assign initial term ending dates to apply to its members.~~

~~**102.6(4) 102.6(3)** As initial terms expire, the incumbents may be reappointed or replaced. Each new term shall be for a full six-year period.~~

~~**102.6(5) 102.6(4)** If a committee member is unable to complete a term of office for any reason, a replacement member of the same class (county engineer or county supervisor) and from the same group (a large, medium or small county) shall be appointed to serve the balance of the term.~~

~~**102.6(6) 102.6(5)** The committee shall select from its membership a chair and a vice-chair to serve one-year terms. The chair and vice-chair serve at the pleasure of the committee and may be elected to multiple terms as the committee deems appropriate. The vice-chair shall preside at a meeting in the absence of the chair.~~

ITEM 6. Amend subrule 102.7(6) as follows:

102.7(6) In addition to the requirements of Iowa Code chapter 21, the chair shall post meeting agendas on the Iowa County Engineers Association Web site and the Iowa State Association of County Supervisors Web site and shall send copies of agendas to all county engineers and to all county auditors for distribution to supervisors.

ITEM 7. Amend **761—Chapter 102**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~Supplement section~~ sections 312.2, 312.3, 312.3B, 312.3C and 312.5.